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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,224	10/16/2001	Reuben Bahar	133/117	4472

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EXAMINER

BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

MAIL DATE	DELIVERY MODE
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06/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/978,224

Applicant(s)

BAHAR, REUBEN

Examiner

Asgar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 155,157-161,163-182,184-189,191-213 and 215-348 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 155,157-161,163-182,184-189,191-213 and 215-348 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In light of applicants amendments the 112 rejection has been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 155, 157-161, 163-182, 184-189, 191-213, 215-348 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (U.S. 6,629,131B1), Flynn et al (U.S. 6,618,747B1) and Bisbee et al (U.S. 5,748,738).

4. As per claims 155, 236, 244, 248, 252, 256, 257, 258, 260, 264, 268, 272, 275, 278 & 341 Choi disclosed a method for verifying whether an e-mail sent by a sending party was accessed by an intended recipient, said method comprising: a) storing recipient data pertaining to an actual recipient of e-mail in a data file, said stored data file containing identifying data that identifies actual e-mail recipient and further being associated with actual recipient's e-mail address (col.1, lines 36-53); b) transmitting an e-mail from a sender computer to an intended recipient, the sender computer being connected to a communications network; c) delivering said e-mail to a recipient e-mail address (col.2, lines 59-67). However Choi did not explicitly disclose d) detecting an access event, and discovering stored data file that is associated with said actual

Art Unit: 2143

recipient's e-mail address and (e) sending identifying data contained in said discovered data file for confirming proper delivery of said e-mail. In the same field of endeavor Flynn disclosed d) detecting an access event, and discovering the stored data file that is associated with said actual recipient's e-mail address and data file that is associated with said actual recipient's e-mail address (e) sending identifying data contained in said discovered data file for confirming proper delivery of said e-mail (col.6, lines 53-56).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated the discovered recipients data in the confirmation receipt as disclosed by Flynn in a method of verifying whether e-mail was delivered to the intended recipient as disclosed by Choi in order to make the e-mail delivery system more secure and protected by giving the sender the ability to know exactly who the e-mail content was delivered resulting in assured and verified communication between users on a network.

Both Choi and Flynn did not explicitly disclose detecting an individual through utilization of inputted biometric attributes of said individual. In the same field of endeavor Bisbee disclosed detecting an individual through utilization of inputted biometric attributes of said individual (col.1, lines 37-51 & col.4, lines 36-67).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated detecting an accessing individual through utilization of biometric attributes as disclosed by Bisbee in a method of verifying whether e-mail was delivered to the intended recipient as disclosed by Choi & Flynn in order to enhance the

security of the e-mail delivery system resulting in secure and protected reception of the e-mail by only the actual recipient.

5. As per claims 157, 163, 184, 185, 191, 209, 215, 245-247, 249-251, 253-255, 259, 261-263, 265-267, 269-271, 273, 274, 276, 277, 282-291, 294, 296-303, 312, 318-321, 323-325, 327, 329, 332, 333, 335, 336, 338 & 342-348 Choi-Flynn disclosed the method as recited in claim 258 wherein said step of recipient data for confirming proper delivery of said e-mail includes the steps of: (a) generating a confirmation of receipt notice wherein the inputted recipient data is included with said confirmation receipt notice; and (b) sending said confirmation of receipt notice, wherein the inputted receipt data included with said confirmation of receipt can be compared to information associated with said intended recipient in order to verify whether the e-mail was accessed by the intended recipient (Flynn, col.6, lines 66-67 & col.7, lines 1-21).

6. As per claims 158, 181-182, 186, 210 & 279 Choi-Flynn disclosed the method as in claim 155, wherein said access event comprises access of an email account associated with said actual recipient e-mail address (Flynn, col.6, lines 66-67 & col.7, lines 1-21).

7. As per claims 160, 188 & 212 Choi-Flynn disclosed the method as in claim 155, wherein the step of transmitting an e-mail from a sender computer includes attaching an executable attachment file in conjunction with the e-mail, the executable attachment file

having a first module for discovering the stored recipient data file that is associated with actual recipient e-mail address and wherein the step of detecting an access event includes the step of executing the first module of the executable attachment file (Flynn col.53-67 & col.7. lines 1-19).

8. As per claims 161, 189, 213, 292 & 293 Choi-Flynn disclosed the method as in claim 160, wherein the executable attachment file has a fourth module transmitted and delivered therewith, the fourth module for detecting the access event, and further comprising the step of automatically executing the fourth module upon delivery of the attachment file to the recipient e-mail address (Flynn col.53-67 & col.7. lines 1-19).

9. As per claims 162, 190, 214, 230, 231 & 232 Choi-Flynn disclosed the method as in claim 208, further comprising the step of determining, upon delivery of the e-mail file to then recipient e-mail address, whether the delivered e-mail file is of at least one designated file-type; requiring a confirmation of receipt notice, and wherein the step of prompting said party who initiated said access event for recipient data occurs upon a determination that the delivered e-mail file is of the at least one designated file-type (Flynn col.6, lines 53-67 & col.7. lines 1-19).

10. As per claims 164, 192, 216 & 295 Choi-Flynn disclosed the method as in claim 163, wherein said recipient computer is a server of a service provider (Choi, col.2, lines 59-67).

11. As per claim 166 & 233 Choi-Flynn disclosed the method as in claim 155, wherein said computer is a remote user computer from which said recipient may gain remote access to said recipient e-mail address (Flynn, col.5, lines 46-67 & col.6, lines 1-21).

12. As per claims 167, 194, 218, 171, 198, 169, 196, 200, 234, 238, 239, 240, 241, 168, 195, 219, 173, 222, 243, 172, 199, 221, 242, 170, 197, 176, 203, 225, 177, 204, 226, 178, 205, 227, 174, 201, 223, 165, 193, 217, 159, 187, 211, 280, 281, 304-311, 313-315, 322, 326, 330, 331, 334, 337, 339 & 340 Choi-Flynn disclosed the method as in claim 155, wherein said inputted recipient data pertains to alphanumeric text identification, biometric identification; password identification, a computer generated user code, or a combination thereof (Bisbee, col.1, lines 37-51 & col.4, lines 36-67).

13. As per claims 175, 202 & 224 Choi-Flynn disclosed the method as in claim 155 further including the step of including in said confirmation of receipt notice access event data of attendant conditions of said access event (Flynn col.6, lines 53-67 & col.7. lines 1-19).

14. As per claims 179, 180, 206, 207, 228, 229, 316 & 317 Choi-Flynn disclosed the method as in claim 155, wherein said step of identifying data is used to verify proper delivery of legal documents (Flynn, col.5, lines 46-67 & col.6, lines 1-21).

Response to Arguments

15. Applicant's arguments filed March 9, 2007 have been fully considered but they are not persuasive.

16. Applicant argued in Choi the aforementioned "unique code" is generated at the sender end , and does not identify the recipient who accessed the email message at the recieveing end.

As to applicant's argument Choi discloses that the mail control system A attaches the unique code and CGI executive program to the mail before sending it to the mail server of a receiver. If the receiver reads the arrived mail, the CGI executive program is carried out so as to send information confirming the read of the message by the receiver and the unique code of the mail to a mail control system B in a mail center. Thereafter the mail control center B sends a reception confirmation signal to the sender (col.2,lines 65-67 & col.3, lines 1-10).

17. Applicant argued that neither Flynn nor Choi, disclose or suggest prompting a party requesting to access an e-mail to enter recipient data after detecting an access event.

As to applicant's argument examiner introduced Bisbee, which prompts the user to enter its recipient data (I.E. biometric, password information) to access the event (checking the e-mail message). Please see rejection on line 4 of this office action.

18. Applicant argued that neither Choi nor Flynn disclose the use of biometric information as technique for identifying a recipient of an e-mail.

As to applicant's argument the examiner introduced Bisbee in which the recipient enters his or her biometric information prior to accessing the secure electronic document. Please see rejection on line 4 of this office action.

19. Applicant argued that neither Chi nor Flynn disclose sending at least part of the discovered recipient data being sent for confirming proper delivery of the e-mail.

As to applicant's argument Flynn discloses sending the unique IP address (part of recipient data) of the recipient along with the confirmation receipt (col.6, lines 53-65).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2143

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3924. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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